

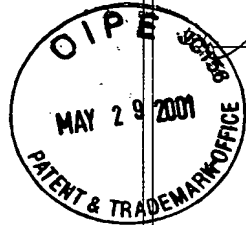
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Assistant Commissioner for Patents
Washington, D.C. 20231

On May 23, 2001

TOWNSEND and TOWNSEND and CREW LLP

Marcia Stanen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. Leighton Read *et al.* (As Amended)

Application No.: 09/654,948

Filed: September 1, 2000

For: PHOTOLITHOGRAPHIC AND OTHER MEANS FOR MANUFACTURING ARRAYS (AS AMENDED)

Examiner: Ponnaluri, P

Art Unit: 1627

SPECIES ELECTION REQUIREMENT AND RECORD OF INTERVIEW

#8
5/29/01
6-1-01

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action requesting an election of species mailed April 23, 2001, please consider the following remarks.

REMARKS

Claims 179-209 are pending in this application and presented for examination. The Examiner has required an election of species, as allegedly the "methods of making" a library or array of the present invention involves patentably distinct species. In response, Applicants respectfully elect, with traverse, a photolithographic method of making the array of the present invention. Claims readable thereon include claims 172-209.

In making this species election, Applicants note that a species election is not a restriction requirement. In fact, under M.P.E.P. § 808.01(a), it states that in making a requirement for restriction in an application claiming plural species, the Examiner should group together species considered clearly unpatentable over each other, with the statement that restriction as between those species is not required. As the Examiner has merely made a general

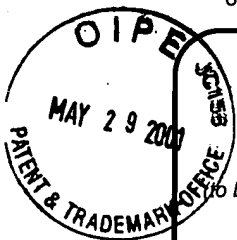
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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

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Application Number	09/654,948
Filing Date	September 1, 2000
First Named Inventor	J. Leighton Read et al. (As Amended)
Group Art Unit	1627
Examiner Name	Ponnaluri, P
Attorney Docket Number	18547043210

Total Number of Pages in This Submission

1

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Species Election Requirement -Return postcard
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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Joseph R. Snyder	Reg No. 39,381
Signature		
Date	May 23, 2001	

CERTIFICATE OF MAILING

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May 23, 2001

Typed or printed name	Marcia Stamm
Signature	
Date	May 23, 2001

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